

CHARTER  
VIETNAM WAR COMMEMORATION ADVISORY COMMITTEE

1. Committee's Official Designation: The Committee shall be known as the Vietnam War Commemoration Advisory Committee (hereinafter referred to as "the Committee").
2. Authority: The Secretary of Defense, under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(d) (agency authority), established the Committee.
3. Objectives and Scope of Activities: The Committee shall provide the Secretary of Defense and the Deputy Secretary of Defense, through the Director of Administration and Management (DA&M), independent advice and recommendations on the Department of Defense's (DoD) program to commemorate the 50<sup>th</sup> Anniversary of the Vietnam War, as set out in paragraph (4) below.
4. Description of Duties: The Committee shall provide independent advice and recommendations regarding the schedule of major events and priority of efforts during the commemorative program for the 50<sup>th</sup> Anniversary of the Vietnam War, as referenced in section 598 (c) of Public Law 110-181 (hereinafter referred to as "the Commemorative Program"), in order to achieve the objectives for the Commemorative Program specified in section 598 (c) of Public Law 110-181:
  - a. To thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice, on behalf of the United States, and to thank and honor the families of these veterans;
  - b. To highlight the service of the Armed Forces during the Vietnam War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces;
  - c. To pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War;
  - d. To highlight the advances in technology, science, and medicine related to military research conducted during the Vietnam War; and
  - e. To recognize the contributions and sacrifices made by the allies of the United States during the Vietnam War.
5. Agency or Official to Whom the Committee Reports: The Committee shall report to the Secretary and Deputy Secretary of Defense, through the DA&M. The DA&M may act upon the Committee's advice and recommendations.
6. Support: The DoD, through the Office of the DA&M, shall provide support, as deemed necessary, for the performance of the Committee's functions, and shall ensure compliance with the requirements of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b) (hereinafter referred to as "the Government in the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies/procedures.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost for the Committee, to include travel, meetings, and contract support, is approximately \$325,866. The estimated annual personnel costs to the DoD are 1.4 full time equivalents.
8. Designated Federal Officer (DFO): The Committee's DFO, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies/procedures.

In addition, the Committee's DFO is required to be in attendance at all Committee and Subcommittee meetings for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, a properly approved Alternate DFO, duly appointed to the Committee according to DoD policies/procedures, shall attend the entire duration of the Committee or Subcommittee meeting.

The DFO, or the Alternate DFO, shall call all of the Committee's and Subcommittee's meetings; prepare and approve all meeting agendas; adjourn any meeting, when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies/procedures; and chair meetings when directed to do so by the official to whom the Committee reports.

9. Estimated Number and Frequency of Meetings: The Committee shall meet at the call of the Committee's DFO, in consultation with the Committee's Chairperson. The estimated number of Committee meetings is two per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Committee shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense or his designee extends it.
12. Membership and Designation: The Committee shall be composed of no more than 20 members, who are appointed by the Secretary of Defense. These members shall represent Vietnam Veterans, their families, and the American public. Candidates for the Committee shall be selected from the Military Services (both retired veterans and active members who served during the Vietnam era), the Department of Defense, the Department of State, the Department of Veterans Affairs, and the Intelligence Community. In addition, candidates from nongovernmental organizations that support veterans or that contribute to the public's understanding of the Vietnam War shall be selected.

The Committee Chairperson shall be appointed by the Secretary of Defense from the total membership.

Committee members shall be appointed by the Secretary of Defense and their appointments will be renewed on an annual basis. Those members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and shall serve as special government employees. Individuals appointed by the Secretary of Defense who are full-time or permanent part-time Federal officers or employees shall serve as regular government employee members.

Each Committee member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest. With the exception of travel and per diem for official Committee related travel, Committee members shall serve without compensation, unless authorized by the Secretary of Defense.

The Secretary of Defense may approve the appointment of Committee members for a three-year term of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD-authorized subcommittees.

The Secretary of Defense, through the DA&M, may appoint additional experts and consultants to provide advice to the Committee as subject matter experts. These subject matter experts may be regular government officers/employees or individuals appointed under the authority of 5 U.S.C. § 3109; however, subject matter experts shall not participate in the Committee's deliberations and shall not have Committee voting rights.

Each Committee member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

13. Subcommittees: The Department, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish Subcommittees, task groups, or working groups to support the Committee. Establishment of Subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Committee's sponsor.

These Subcommittees shall not work independently of the chartered Committee, and shall report all of their recommendations and advice solely to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions and recommendations, verbally or in writing, on behalf of the chartered Committee; nor can any Subcommittee or its members update or report directly to the DoD or any Federal officers or employees.

All Subcommittee members shall be appointed in the same manner as the Committee members; that is, the Secretary of Defense shall appoint Subcommittee members even if the member in question is already a Committee member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the Subcommittee of three years; however, no member shall serve more than two consecutive terms of service on the Subcommittee, unless authorized by the Secretary of Defense.

Subcommittee members, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official Committee-related travel, Subcommittee members shall serve without compensation.

Each Subcommittee member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All Subcommittees operate under the provisions of FACA, the Government in the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies/procedures.

14. Recordkeeping: The records of the Committee and its Subcommittees shall be handled according to section 2, General Records Schedule 26, and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
15. Filing Date: January 14, 2013